

Town of Newport
Regular Meeting of the Mayor and Commissioners
October 20, 2022

Pledge of Allegiance.

Vice Mayor Spencer called the meeting to order at 7:00 pm and announced that the meeting was in compliance with the Delaware Open Meetings Act.

Attendance: Vice Mayor Spencer, Commissioner Stephanie Banks, Commissioner Michael Capriglione, Town Manager Wendy King, Police Chief Mark Wohner. Mayor Michele MacDonald, Commissioner John Joswick and Solicitor N. Christopher Griffiths were absent.

Minutes of the September 15, 2022, meeting were approved via motion by Commissioner Capriglione and seconded by Commissioner Banks. All ayes.

Town Manager's Report – Tusi Electric has begun the electrical work at the Boat Ramp and is expected to be completed by week's end. The new benches were installed at Memorial Park, across from the Old Town Hall and at the municipal building. The concrete work on Market and James Streets is underway. Cooper Bowers from DelDOT is working on the memorandum of understanding regarding the Complete Communities Enterprise District for the commissioners to review so they can decide if the town should participate. DelDOT held a public workshop to see if there was support for a connector path from Sears Boulevard in hopes of reducing truck traffic in Pleasant Hills and Silview. Remington Vernick and Beach submitted an estimate on the cost of engineering the swale and paving work on Ayre Street. Met with Bill Lower from Harvey Hanna and Associates to discuss upcoming items such as the comprehensive plan update and CCED downtown development funding. Budget for 2023 will be introduced at November's meeting. Mayor Spencer asked if anyone attended the public hearing about Sears Boulevard. Town Manager King advised she just received the notice in the mail and Commissioner Banks said she had seen the information online but was not able to attend.

Police Chief's Report – Monthly statistics for September. Chief Wohner advised that his department vacancy was put out for a certified officer but had a question about the mandatory retirement age possibly being extended to 62 because he was approached by someone who was interested but wanted to be able to reach a 20-year pension. Vice Mayor Spencer asked if there were any insurance ramifications because there was an officer who stayed beyond 60. Commissioner Capriglione asked if it was a full- or part-time position. Chief Wohner said it was full-time and those who expressed interest would need those additional years to reach a 20-year pension. Vice Mayor Spencer asked what other towns do. Chief Wohner said that he is aware that Newark just implemented a mandatory retirement age, but that was achieved through their contract. Commissioner Capriglione asked for more information. Chief Wohner said that Elsmere does not have a mandatory retirement age. Delaware City is 60, New Castle County and State have one but was not sure about Wilmington. Vice Mayor Spencer said he would like more information and to see if it would affect the town's ability to participate in the liability and worker's compensation insurance pool. Chief Wohner advised that he checked with the solicitor about this and that he said as long as we were not going in the other direction (going younger), the town should be okay. Commissioner Capriglione asked Chief Wohner to bring additional information to the table next month. Vice Mayor Spencer agreed and that he would feel more comfortable if the mayor and other commissioner were here to make a decision.

Alderman's Report - \$29,226 in fines collected in September.

Maintenance Report – There were no questions on the report other than there were two – one for each of the maintenance employees.

Commissioners – Commissioner Capriglione asked about the purchase of a CD because of the current checking account balance. There are many short-term investment options paying a decent percentage. The town manager will look into that. There is little penalty on CDs. Vice Mayor Spencer attended the event that announced the new airline, Avila. Their introductory fare is \$49.00 to West Palm Beach. He had some suggestions for them that he shared, such as developing a package that would include touristy things to do locally, like Longwood Gardens, when people fly up here from Florida.

Public Comment – Resident Kevin Haigh, Augustine Street, had questions about the pole barn building being built at the end of Augustine and Ayre Street. He seemed to think the town had tight restrictions on pole barn buildings being allowed in town and looked online and could not find the town code. He said the county and state had issues with pole barn buildings as well. He said he looked at the properties online and the parcels were separate parcels and hoped we could show where the properties were combined. He did not believe a building like that could exist so close to residential properties and that he believed there clearly was not enough parking. He again said he believed the town had prohibited those types of buildings, but Vice Mayor Spencer did not remember such a prohibition. He did not know who our building inspector was and if he followed the town's permit issuing guidelines. There has always been a parking issue there even when ARS Fleet was located there because there are entrances on both sides of the building and believed that at least six parking spots would be taken. He asked how he could access the plans and the town manager said that the building inspector had the plans and would retain them until a certificate of occupancy was issued. He said the building appears to be a storage building and a wood building would have a safety impact and that the fire marshal would not approve that. Town Manager King said that the fire marshal has to sign off on the plans before they even come to the town. He said storage of hazardous materials would be unsafe, although he did not know what the building was being used for. Commissioner Capriglione said that under the Calistro administration, he remembered that the pole barns in the industrial park had to have a façade on them. There was discussion about what the county has noted and their codes and the amount of speculation about what is happening with this property. Mr. Haigh asked if the public had access to the actual permit and felt that if adjustments needed to be made with parking, a public hearing should have been held. The plans were produced so there would be no need for a variance. The project was already scaled down. Mr. Haigh said it was council's responsibility to ensure buildings were being properly built. Vice Mayor Spencer said after 28 years, he did not need to be told what his responsibilities were and it was apparent he did not want the building to be built and was not hearing what he wanted to hear. Vice Mayor Spencer also noted that the town is pretty strict on variances and how raising the price of a variance has deterred many people from doing whatever they wanted. Parking and setbacks are important to the town. At some point, there has to be faith that things are getting done properly and needs no one to interpret the importance of his responsibility as commissioner for his \$700 a year. The building codes are from the year 2000. Mr. Haigh wants to have access to the building plans. Council will defer to the solicitor. Resident Jeff Biscoe, Justis Street, liked the new benches that went in and mentioned that he called the town manager to say that he liked them. Vice Mayor Spencer said that he received a call from a person who lives out of town about the political signs. Town Manager King said that Mr. Biscoe called her today to relay that someone attending a funeral at Nichols-Gilmore stepped in the freshly-poured concrete and that the contractor was still onsite and able to fix it.

Commissioner Capriglione made a motion to adjourn. Vice Mayor Spencer seconded. All ayes. Meeting adjourned at 7:37 pm.

